



CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs

State Board of Dentistry

124 Halsey Street, 6th Floor, Newark, NJ 07102

VIA CERTIFIED (RRR) AND REGULAR MAIL



JOHN J. HOFFMAN

Acting Attorney General

STEVE C. LEE

Acting Director

November 18, 2014

Dr. Melba P. Bonelli
C/o Daniel M. Baker, Esq.
301 N. Church Street, Suite 222
Moorestown, NJ 08057

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 12-8-14 DA

Mailing Address:

P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Re: Settlement Letter in Lieu of Formal Disciplinary Proceedings in Complaints:
88998 - K.R.

Dear Dr. Bonelli:

This letter is to advise you that the New Jersey State Board of Dentistry completed its review of information concerning the above captioned complainants. Specifically, the information reviewed included:

1. The patient's complaint;
2. A copy of your response, including patient treatment and financial records, and other office records;
3. Other available information about the patient's condition.

Based upon the review of these matters, the Board has determined that you and your facility has engaged in the following actions which may constitute violations of the Board's statutes and regulations:

- 1. Treatment Planning and Communication of Services to be Provided**
- Patient could have had amalgam fillings, which would have been covered by insurance plan, but was not adequately informed that your office would not provide the covered service.
- 2. Optional Services/Devices** - Minor patient was provided with and billed for a water pick, electric tooth brush, and perio-protect trays without adequately informing the patient's parent and giving the option to decline to purchase these instruments.

These failures to adequately inform the patient and her parent of the available treatment and optional instruments, and associated costs, may constitute acts of professional misconduct sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, and avoid the initiation of formal disciplinary proceedings, should you agree to the following:

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1. Provide the patient with full restitution for the two white colored fillings, the water pick, the electric toothbrush, and the perio-protect trays in the total amount paid of \$1,534, and forgive any outstanding balance still on the patient's account in your office records.
2. Successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by: The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903 within six (6) months of signing this letter. Course outlines and contact information are enclosed.
3. Accept the Board's advice that when participating in an insurance plan, you must provide adequate notice to your patients that you are not providing a covered service, and that the service you are providing is not covered by their insurance (i.e., amalgam fillings vs. composite fillings).

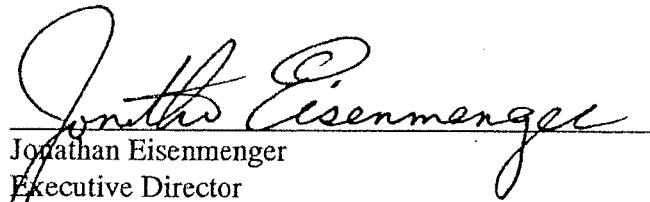
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. The restitution should be paid by a check or money order made payable to the patient and insurance company, respectively, and submitted to the Board office. You should also submit a copy of the adjusted patient ledger that shows that the patient's account balance has been made "\$0". You should be aware that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, in addition to other sanctions, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, I suggest that you contact Deputy Attorney General Swang Oo, who may be reached at (973) 648-2500.

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If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Sincerely,
NEW JERSEY STATE BOARD OF DENTISTRY


Jonathan Eisenmenger
Executive Director

cc: Swang Oo, Deputy Attorney General

ACKNOWLEDGMENT: I, Dr. Melba P. Bonelli, have read and reviewed the settlement proposal set forth in this settlement letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a public document. I agree to comply with the directives noted. I will:

1. Provide the patient with full restitution for the two white colored fillings, the water pick, the electric toothbrush, and the perio-protect trays in the total amount paid of \$1,534, and forgive any outstanding balance still on the patient's account in your office records.
2. Successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by: The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903 within six (6) months of signing this letter. Course outlines and contact information are enclosed.
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12-1-14

Date



Dr. Melba P. Bonelli